

Message Text

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TO AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: EAIR, UK

SUBJECT: CIVAIR: CARRIER CAPACITY AGREEMENTS

1. WE ARE CONCERNED WITH THE TENOR OF RECENT DTI COMMUNICATIONS TO PAN AM AND TWA REGARDING THE IMPLEMENTATION OF THE CARRIER AGREEMENTS REACHED WITH RESPECT TO US-UK CAPACITY. IN TELEGRAPHIC COMMUNICATIONS SENT TO PAN AM NOVEMBER 9 AND TWA NOVEMBER 19, SIGNED BY BROWN, DTI, IT WOULD APPEAR THAT BRITISH AUTHORITIES ARE TAKING THE POSITION THAT THE VOLUNTARY CARRIER AGREEMENTS IN SOME WAY REPRESENT INTERGOVERNMENTAL AGREEMENTS SUBJECT TO ADMINISTRATION AND IMPLEMENTATION BY THE RESPECTIVE GOVERNMENTS.

2. THE EMBASSY IS REQUESTED TO INFORM THE DTI, IN WRITING IF APPROPRIATE, THAT THE USG CONSIDERS THE VOLUNTARY CARRIER AGREEMENTS TO BE SUBJECT TO IMPLEMENTATION BY THE CARRIERS THEMSELVES. WHILE IT IS TRUE THAT THESE AGREEMENTS ARE SUBJECT TO APPROVAL BY THEIR
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RESPECTIVE AERONAUTICAL AUTHORITIES, SUCH APPROVAL DOES

NOT CONVERT THESE CARRIER AGREEMENTS INTO GOVERNMENTAL STATUS ANY MORE THAN A WIDE VARIETY OF OTHER KINDS OF CARRIER AGREEMENTS PRODUCE SUCH A CONVERSION. SHOULD THERE BE DIFFICULTY ENCOUNTERED IN THE IMPLEMENTATION OF

SUCH A VOLUNTARY AGREEMENT IT WOULD BE UP TO THE CARRIERS THEMSELVES TO SORT OUT ANY DIFFICULTIES, AND IF SATISFACTION NOT REACHED, TO TERMINATE THE ARRANGEMENTS IN ACCORDANCE WITH THE PROVISIONS OF THE CARRIER AGREEMENT.

3. WHILE AT THE MOMENT THERE IS NO SUBSTANTIVE PROBLEM OUTSTANDING IN REGARD TO THE IMPLEMENTATION OF THE CARRIER AGREEMENTS, WE WOULD LIKE TO INSURE THAT NO FUTURE MISUNDERSTANDING COULD ARISE ON THIS POINT. IF THE CARRIERS WERE TO ANTICIPATE THAT VOLUNTARY CARRIER AGREEMENTS COULD BE CONSTRUED AS GOVERNMENTAL EDICTS, THE WILLINGNESS OF THE CARRIERS TO ENTER INTO SUCH ARRANGEMENTS MIGHT BE SUBSTANTIALLY CONSTRAINED. IN THIS CONNECTION WE RECOGNIZE THE STRONG GOVERNMENTAL INTEREST EXPRESSED IN THE SEPTEMBER US-UK CONSULTATIONS ON THE DESIRABILITY OF HAVING CARRIER UNDERSTANDINGS ON CAPACITY AS A SHORT TERM AD HOC SOLUTION TO A DIFFICULT PROBLEM BUT IT IS THE US STRONG VIEW THAT THE IMPLEMENTATION OF THESE AGREEMENTS SHOULD BE LEFT TO THE AIRLINES. OF COURSE, SHOULD MAJOR PROBLEMS DEVELOP WHICH COULD AFFECT GOVERNMENTAL OBJECTIVES IN THE AREA OF CAPACITY IT WOULD BE ENTIRELY APPROPRIATE TO HAVE FURTHER INTERGOVERNMENTAL CONSULTATIONS ON THE SUBJECT.

4. WOULD APPRECIATE REPORT ON BRITISH REACTION TO THE ABOVE. INGERSOLL

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